

**D. GEORGE SWEIGERT**  
**GENERAL DELIVERY**  
**NEVADA CITY, CA 95959**

**April 16, 2021**

**Magistrate Judge Stewart D. Aaron**  
**U.S. District Court**  
**500 Pearl Street**  
**New York, New York 10007-1312**

**SUBJ: Defendant's failure to meet discovery deadline of April 12, 2021**  
**1:18-cv-08653-VEC-SDA**

**Your Honor,**

1. The Defendant has filed motion papers known as **ECF number 239**, dated 4/11/2021 a day prior to a discovery due date (4/12/2021). In said papers the Defendant seeks to stay discovery pursuant to Section 76(a) of the New York Civil Rights law and "CVP 3211(11)(g)(3)", aka New York's Anti-SLAPP law.
2. By MEMO ENDORSEMENT, it was adjudged that discovery deadlines for this lawsuit were still in effect ("The discovery deadlines in this action remain in effect" [**Dkt. 246**]).
3. Plaintiff alleged that the Defendant has committed the tort of defamation *per se* in the Second Amended Complaint (**SAC (Dkt. 88)**) and the First Supplemental Complaint ((**FSC, Dkt. 150**)). By his RESPONSE on **Jan. 29, 2021 (Dkt. 189)** the Defendant answered the **SAC** and **FSC** (see **ORDER Dkt. 180**).
4. **On Nov. 10, 2020** the Governor of New York signed an updated version of New York Civil Rights Law Section **76 (a)(1)(a)**, aka New York's Anti-SLAPP law.
5. Discovery commenced for both parties on or about **Feb. 23, 2021** by ORDER (**Dkt. 218**). A discovery conference was held with both parties and the magistrate judge on **March 11, 2021**. By ORDER of Mar. 11, 2021 (**Dkt. 224**) Defendant was compelled to produce discovery by **April 12, 2021**. The day prior to the Defendant's discovery deadline, he filed the current Anti-SLAPP motion (**Dkt. 239**).
6. The Defendant has used his Anti-SLAPP motion (**Dkt. 239**) as *de facto* justification NOT to complete discovery or meet discovery deadlines. Therefore, Plaintiff seeks the Court's characterization of Defendant's Anti-SLAPP motion as dilatory in nature.

Respectfully,



D. Geo. Sweigert

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**GENERAL DELIVERY**  
**NEVADA CITY, CA 95959-9998**  
**SPOLIATION-NOTICE@MAILBOX.ORG**

**CERTIFICATE OF SERVICE**

The undersigned hereby attests under penalties of perjury that copies of this communication have been sent via electronic mail message to the following parties on the sixteenth (4/16) day of April, two thousand and twenty-one (2021).

Clerk of the Court, Room 200 <a href="mailto:temporary_pro_se_filing@nysd.uscourts.gov">temporary_pro_se_filing@nysd.uscourts.gov</a>	Jason Goodman, CEO <a href="mailto:truth@crowdsourcethetruth.org">truth@crowdsourcethetruth.org</a>
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**D. GEORGE SWEIGERT**  
**Pro Se Non-Attorney**  
**GENERAL DELIVERY**  
**NEVADA CITY, CA 95959**